Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 20- 00224 -AS

Court address
180 OTTAWA AVE NW GRAND RAPIDS, MICHIGAN 49503

Court telephone no.
616-632-5220

Plaintiff's name(s), address(es), and telephone no(s).
MR. STACEY R. SMITH
855 KALAMAZOO AVE SE
GRAND RAPIDS, MICHIGAN 49507.
616-350-5709.
(PRO SE) INFORMA PAUPERIS

v

Defendant's name(s), address(es), and telephone no(s).
LEAD PROSECUTOR CHRIS BECKER P- 53752.
KENT COUNTY PROSECUTORS OFFICE.
82 IONIA AVE SUITE NO.: 450.
GRAND RAPIDS, MICHIGAN 49503.

DEFENSE COUNSEL JOHN R. BEASON P-34095.
15 IONIA AVE NW SUITE NO.: 530.
GRAND RAPIDS, MICHIGAN 49503.
(MCR 3.302), MCL 600.4401 (1), MCR 7.211 (C) (9).
AT A SESSION HELD IN THE 17TH JUDICIAL CIRCUIT COURT ON: 07/22/15. GEORGE S. BUTH P-11479.
COMPLAINT FOR SUPERINTENDING CONTROL.

Plaintiff's attorney, bar no., address, and telephone no.
SUBJECT-MATTER-JURISDICTION: 1:16-CV-1381.
FEDERAL JUDGE PAUL MALONEY P-25194.
U.S. DISTRICT COURT FOR WEST MICHIGAN.
110 MICHIGAN AVE NW.
GRAND RAPIDS, MICHIGAN 49503.

MARK A. TRUSOCK (P-38156)

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.

☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).

☑ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☑ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☑ this court, ☑ 14-11012-FH 17TH JUDICIAL CIRCUIT COURT. P-53941. (ROSSI) Court, where it was given case number 14-11012-FH and assigned to Judge GEORGE S. BUTH P-11479. (RETIRED).

The action ☑ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date*	Court clerk
JAN 08 2020	APR 08 2020	LISA POSTHUMUS LYONS

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

SUMMONS
Case No. 20-

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ OFFICER CERTIFICATE	OR	☐ AFFIDAVIT OF PROCESS SERVER
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)		Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☑ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with ______________________________
List all documents served with the summons and complaint

381. on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
	3.	

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
$		$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
$		$	$

____
Signature

____
Name (type or print)

____
Title

Subscribed and sworn to before me on ______________ (Date), ______________ County, Michigan.

My commission expires: ______________ (Date) Signature: ______________ Deputy court clerk/Notary public

Notary public, State of Michigan, County of ______________

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with ______________ (Attachments)

______________ on ______________ (Day, date, time)

______________ (Signature) on behalf of ______________

7-18 17th

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 2000224 -AS

Court address
180 OTTAWA AVE NW GRAND RAPIDS, MICHIGAN 49503

Court telephone no.
616-632-5220

Plaintiff's name(s), address(es), and telephone no(s).		Defendant's name(s), address(es), and telephone no(s).
MR. STACEY R. SMITH 855 KALAMAZOO AVE SE GRAND RAPIDS, MICHIGAN 49507. 616-350-5709. (PRO SE) INFORMA PAUPERIS	v	LEAD PROSECUTOR CHRIS BECKER P- 53752. KENT COUNTY PROSECUTORS OFFICE. 82 IONIA AVE SUITE NO.: 450. GRAND RAPIDS, MICHIGAN 49503.
Plaintiff's attorney, bar no., address, and telephone no. SUBJECT-MATTER-JURISDICTION: 1:16-CV-1381. FEDERAL JUDGE PAUL MALONEY P-25194. U.S. DISTRICT COURT FOR WEST MICHIGAN. 110 MICHIGAN AVE NW. GRAND RAPIDS, MICHIGAN 49503.		DEFENSE COUNSEL JOHN R. BEASON P-34095. 15 IONIA AVE NW SUITE NO.: 530. GRAND RAPIDS, MICHIGAN 49503. (MCR 3.302), MCL 600.4401 (1), MCR 7.211 (C) (9). AT A SESSION HELD IN THE 17TH JUDICIAL CIRCUIT COURT ON: 07/22/15. GEORGE S. BUTH P-11479. COMPLAINT FOR SUPERINTENDING CONTROL.

MARK A. TRUSOCK (P-38156)

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

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☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.

☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).

☑ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☑ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☑ this court, ☑ 14-11012-FH 17TH JUDICIAL CIRCUIT COURT. P-53941. (ROSSI) Court, where it was given case number 14-11012-FH and assigned to Judge GEORGE S. BUTH P-11479. (RETIRED).

The action ☑ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

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2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date*	Court clerk
JAN 08 2020	APR 08 2020	LISA POSTHUMUS LYONS

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

SUMMONS
Case No. 20-

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ OFFICER CERTIFICATE	OR	☐ AFFIDAVIT OF PROCESS SERVER
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)		Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☑ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with ______________________________
List all documents served with the summons and complaint

______________________________ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
$		$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
$		$	$

____
Signature

____
Name (type or print)

____
Title

Subscribed and sworn to before me on ______________ , ______________ County, Michigan.
Date

My commission expires: ______________ Signature: ______________________________
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of ______________________________

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with ______________________________
Attachments

____
Day, date, time

______________________________ on behalf of ______________________________
Signature

Approved, SCAO | Original - Court
1st copy - Subject | 2nd copy - Return
Additional copies as needed

PROBATE JIS CODE: MOT, OSC

STATE OF MICHIGAN 17TH JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	**MOTION AND/OR ORDER TO SHOW CAUSE**	CASE NO.

Court address: 180 OTTAWA AVE NW GRAND RAPIDS, MICHIGAN 49503

Court telephone no.: (616) 632-5020

Plaintiff(s)/Petitioner(s)		Defendant(s)/Respondent(s)/Probationer
MR. STACEY R. SMITH (APPELLANT).	v	CHRISTOPHER R. BECKER P- 53752 (APPELLEE).

☐ Probate ☐ Juvenile In the matter of (BREACH OF PLEA AGREEMENT DATED: 07/22/2015). 17TH CIR.

MOTION AND AFFIDAVIT

1. I am interested in this matter as MOTION FOR RELIEF OF JUDGMENT. MCR 6.502, MCR 6.503. PLEA BREACH.
2. LEAD PROSECUTOR CHRISTOPER R. BECKER. ☑ has failed to comply with an order dated 07/22/2015. ☑ is in contempt for BREACH OF 17TH CIRCUIT PLEA.
   Name (type or print)
   State with particularity admissible facts establishing this motion.
   BREACH OF 17TH CIRCUIT PLEA AGREEMENT 07/22/15 -ORDER VACATING CONVICTION/NEW DISPOSITION.
3. I request an order directing LEAD PROSECUTOR CHRISTOPHER R. BECKER. to show cause why
   Name (type or print)
   - ☑ a. he/she should not be found in ☑ civil ☑ criminal contempt of court.
   - ☑ b. judgment should not be entered against him/her (as surety/agent) for the full amount of recognizance.
   - ☐ c. judgment should not be entered against him/her for failure to file a garnishee disclosure.
4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this motion and affidavit.

Signature

Subscribed and sworn to before me on 1/6/2020 (Date), Kent County, Michigan.

My commission expires: 6/23/2025 (Date) Signature: Tanija K Brown

Notary public, State of Michigan, County of

TANIJA K. BROWN
NOTARY PUBLIC – STATE OF MICHIGAN
COUNTY OF KENT
MY COMMISSION EXPIRES 06/23/2025
Acting in the County of Kent

ORDER

TO: LEAD PROSECUTOR CHRISTOPHER R. BECKER P-53752 (BREACH OF PLEA AGREEMENT) – Breach of Agreement set forth for (NON-PUBLISHED REGISTRATION) – S.O.R.A. AND, EXPARTE REQUEST FOR JUDICIAL REVIEW.

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

IT IS ORDERED:

5. You must appear before this court on 02/07/2020 (Date) at 2:00 PM (Time) at ☑ the court address above ☐ courtroom no. ____
   ☐ 180 OTTAWA AVE NW GRAND RAPIDS MICHIGAN 49503 (COURT ROOM OF HONORABLE J. JOSEPH ROSSI.
   to show cause why
   - ☑ you should not be held in ☐ civil ☑ criminal contempt
     - ☑ for failure to comply with the order of this court as follows:
     - ☑ for the reasons stated in the motion.
   - ☐ a judgment should not be entered against you.
   - ☑ your case should not be dismissed.
   - ☑ other: MOTION TO TRANSFER TO CURE WANT OF JURISDICTION; U.S. DISTRICT JUDGE PAUL L. MALONEY.
6. Failure to appear for a contempt hearing may result in a bench warrant being issued for your arrest.
7. A copy of this must be served ☐ personally ☑ by mail on the person ordered to appear at least 21 days before the hearing.

02/07/2020
Date

Judge P-53941. Bar no.

MC 230 (5/13) MOTION AND/OR ORDER TO SHOW CAUSE MCR 2.107(B), MCR 2.108(D), MCR 3.606(A), MCR 5.108

MOTION AND/OR ORDER TO SHOW CAUSE
Case No.

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ **OFFICER CERTIFICATE**
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

OR

☐ **AFFIDAVIT OF PROCESS SERVER**
Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☑ I served a copy of the motion and/or order to show cause by:
☑ personal service ☑ first-class mail on:

Name(s)	Complete address(es) of service	Day, date, time
CHRISTOPHER R. BECKER	KENT COUNTY PROSECUTORS OFFICE. 82 IONIA NW GRAND RAPIDS, MICHIGAN 49503.	

☐ I have personally attempted to serve the motion and/or order to show cause on the following person(s) and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee
$		$
Incorrect address fee	**Miles traveled**	**Fee**
$		$

TOTAL FEE
$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on ______________ (Date), ______________ County, Michigan.

My commission expires: ______________ (Date) Signature: ______________ (Deputy court clerk/Notary public)

Notary public, State of Michigan, County of ______________

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of this motion and/or order to show cause on ______________ (Day, date, time).

______________ (Signature) on behalf of ______________.

CERTIFICATE OF MAILING

For use by the court clerk only when the show cause proceeding is initiated by the court.

I certify that on this date a copy of this motion and/or order to show cause was served on the person ordered to appear by first-class mail addressed to his or her last-known address as defined by MCR 2.107(C)(3).

______________ (Date) ______________ (Signature)

Approved, SCAO

Original - Court
1st copy - Subject

2nd copy - Return
Additional copies as needed

PROBATE JIS CODE: MOT, OSC

STATE OF MICHIGAN JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	MOTION AND/OR ORDER TO SHOW CAUSE	CASE NO.

Court address
180 OTTAWA AVE NW GRAND RAPIDS, MICHIGAN 49503

Court telephone no.
(616) 632-5020

Plaintiff(s)/Petitioner(s)
MR. STACEY R. SMITH (APPELLANT).

v

Defendant(s)/Respondent(s)/Probationer
JOHN R. BEASON (DEFENSE COUNSEL) P-34095.

☐ Probate ☐ Juvenile In the matter of (BREACH OF PLEA AGREEMENT DATED: 07/22/2015). 17TH CIR.

MOTION AND AFFIDAVIT

1. I am interested in this matter as MOTION FOR RELIEF OF JUDGMENT. MCR 6.502, MCR 6.503. PLEA BREACH.

2. (DEFENSE COUNSEL)- JOHN R.BEASON.
Name (type or print)
☑ has failed to comply with an order dated 07/22/2015
☑ is in contempt for BREACH OF 17TH CIRCUIT PLEA.

State with particularity admissible facts establishing this motion.
BREACH OF 17TH CIRCUIT PLEA AGREEMENT 07/22/15 -ORDER VACATING CONVICTION/NEW DISPOSITION.

3. I request an order directing (DEFENSE COUNSEL) JOHN R. BEASON P-34095. to show cause why
Name (type or print)
   ☑ a. he/she should not be found in ☑ civil ☐ criminal contempt of court.
   ☑ b. judgment should not be entered against him/her (as surety/agent) for the full amount of recognizance.
   ☐ c. judgment should not be entered against him/her for failure to file a garnishee disclosure.
4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this motion and affidavit.

Signature

Subscribed and sworn to before me on 1/6/2020 Kent County, Michigan.
Date

My commission expires: 06/23/2025 Signature:
Date

Notary public, State of Michigan, County of

TANIJA K. BROWN
NOTARY PUBLIC – STATE OF MICHIGAN
COUNTY OF KENT
MY COMMISSION EXPIRES 06/23/2025
Acting in the County of Kent

ORDER

TO: (DEFENSE COUNSEL) JOHN R. BEASON.
(BREACH OF PLEA AGREEMENT) – Breach of Agreement set forth for (NON-PUBLISHED REGISTRATION) – S.O.R.A. AND, EXPARTE REQUEST FOR JUDICIAL REVIEW.

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

IT IS ORDERED:

5. You must appear before this court on 02/07/2020 at 2:00 PM at ☑ the court address above ☐ courtroom no. ______
Date Time
   ☐ 180 OTTAWA AVE NW GRAND RAPIDS MICHIGAN 49503 (COURT ROOM OF HONORABLE J. JOSEPH ROSSI).
   to show cause why
   ☑ you should not be held in ☐ civil ☑ criminal contempt
      ☑ for failure to comply with the order of this court as follows:
      ☑ for the reasons stated in the motion.
   ☐ a judgment should not be entered against you.
   ☑ your case should not be dismissed.
   ☑ other: MOTION TO TRANSFER TO CURE WANT OF JURISDICTION: U.S. DISTRICT JUDGE PAUL L. MALONEY.
6. Failure to appear for a contempt hearing may result in a bench warrant being issued for your arrest.
7. A copy of this must be served ☐ personally ☑ by mail on the person ordered to appear at least 21 days before the hearing.

02/07/2020
Date

Judge

P-53941.
Bar no.

MC 230 (5/13) **MOTION AND/OR ORDER TO SHOW CAUSE**

MCR 2.107(B), MCR 2.108(D), MCR 3.606(A), MCR 5.108

MOTION AND/OR ORDER TO SHOW CAUSE
Case No.

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ **OFFICER CERTIFICATE**	OR	☐ **AFFIDAVIT OF PROCESS SERVER**
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)		Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☑ I served a copy of the motion and/or order to show cause by:
☑ personal service ☑ first-class mail on:

Name(s)	Complete address(es) of service	Day, date, time
JOHN R. BEASON	LAW OFFICE OF ATTORNEY JOHN R. BEASON 15 IONIA NW GRAND RAPIDS, MICHIGAN 49503.	

☐ I have personally attempted to serve the motion and/or order to show cause on the following person(s) and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
$		$	
Incorrect address fee	**Miles traveled**	**Fee**	**TOTAL FEE**
$		$	$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on ____________ , ____________ County, Michigan.
Date

My commission expires: ____________ Signature: ____________
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of ____________

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of this motion and/or order to show cause on ____________ .
Day, date, time

____________ on behalf of ____________ .
Signature

For use by the court clerk only when the show cause proceeding is initiated by the court.

CERTIFICATE OF MAILING

I certify that on this date a copy of this motion and/or order to show cause was served on the person ordered to appear by first-class mail addressed to his or her last-known address as defined by MCR 2.107(C)(3).

____
Date

____
Signature

STATE OF MICHIGAN.
FOR THE 17TH JUDICIAL CIRCUIT COURT.
FOR THE COUNTY OF KENT.

CIVIL CASE NO.: 20- 00224 **-AS**

HON.· MARK A. TRUSOCK (P-38156)

LOWER COURT CASE NO.: 14-11012-FH
MCA CASE NO.: 336537.
U.S. DISTRICT COURT CASE NO.: 1:16-CV-1381.
U.S. COURT OF APPEALS CASE NO.: 17-1022.
U.S. DEPARTMENT OF JUSTICE REFERENCE NO.: (3749088).
JUDICIAL TENURE COMMISSION NO.: 16-2235.
ATTORNEY GRIEVANCE COMMISSION NO: 16-1551.

STACEY R SMITH

V.

LEAD PROSECUTOR CHRIS BECKER P-53752.

DEFENSE COUNSEL JOHN R. BEASON P-34095.
____/

FOR A SESSION DATED FOR: **February 07, 2020, 2PM**

Reference to: COMPLAINT FOR SUPERINTENDING CONTROL MCR 3.302.
AND ORDER TO SHOW CAUSE FOR BREACH OF PLEA AGREEMENT.

AT A SESSION HELD IN:
THE 17TH JUDICIAL CIRCUIT COURT
DATED 07/22/2015.

NON-PUBLISHED S.O.R.A.
REGISTRATION.
BREACH OF PLEA AGREEMENT.

Reference to: Motion to strike pleadings MCR 2.115 (B) dated October 24, 2019.

Your Honor:

With regards to your recent action against my pleading, I have attempted numerous times to present to you with what I consider as evidence that I found (POST FACTO) after the case was heard and attempted to bring to you the (EVIDENCE) you say I fail to provide in the attempt for an ORDER TO SHOW CAUSE which was set for November 8, 2019.

I am more than convinced that you have not nor have ever ***(1.)*** Reviewed the police video, EXHIBIT (D) which clearly shows me denying the charges 3 times and coercion was used three times in the police video. After making contact with The State Attorney General's Office about this matter to where the Assistant Attorney General has assured me that this information and matter shall be taken up with the newly formed, "Convictions Integrity Unit". Nor have you even attempted to review the case like you indicated while intentionally ignoring my attempt to file a Motion to intervene in the Challenge to the Constitutionality of Law. You also stated that you would hand down your (OPINION) after I was in receipt of correspondence from either the State Attorney General, The U.S. Attorney, or the President of the United States, to which you were presented with all three and continued to ignore my EXPARTE REQUEST FOR JUDICIAL REVIEW. You are now also aware of the (WRONG DOINGS OF YOUR STATE OFFICIALS AND MY DEFENSE COUNSEL); however, you purposely refuse to take a look at all the inconsistencies' that I have pointed out and that would not only cast doubt to the procedure of DUE PROCESS OF LAW, but you are along with everyone else are taking a blinds eye to all of the EVIDENCE (POST FACTO) that I have been attempting to bring to your attention in the form of a 6500 motion for POST APPEAL RELIEF, or a MOTION TO VACATE MY FALSE CONVICTION.

(2.) EVIDENCE:

A. Discovery of the Doctor that indicated a false accusation which was allowed and entered into this court at the time Hon. George S. Buth P-11479 was on the bench. In accordance to what had been reported by Detective Phillip Ernest Swiercz of the Wyoming Police Department per his Affidavit for Probable Cause for a Felony Complaint was indicated that I had admitted to touching the victim's **PENIS** and the doctor had indicated **PENETRATION** which is the ***(FIRST INCONSISTENCY)***, which is an **AFFIRMED GROUND FOR SUPERINTENDING CONTROL**,

B. The victim indicated that **he was not hurt from this incident** which has to be taken into consideration when it comes to any damages in this case with this

CASE NO.: 1411012-FH

BEFORE THE HONORABLE: JUDGE BUTH.

MCL 750.520E

AT A SESSION IN THE 17TH JUDICIAL CIRCUIT COURT

MICHIGAN COURT OF APPEALS.

State of Michigan Building

350 Ottawa, NW

Grand Rapids, MI 49503-2349

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UNITED STATES SIXTH CIRCUIT COURT OF APPEALS.

Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202
Phone: (513) 564-7000

MR. STACEY R. SMITH

PLAINTIFF (PETITIONER).

PRO SE INFORMA PAUPERIS.

Rebuttal and request for pardon.

The Honorable: Governor Rick Snyder.

VS. } **COMPLAINT FOR WRIT OF MANDAMUS.**

Motion to Intervene in Challenge to Constitutionality of Law.

FED R. APP P.44

Detective Swiercz of the Wyoming Police Department.

28 § U.S.C. 2403.

MOTION TO DISMISS LOC. R 27 (f).

THE HONORABLE GEORGE S. BUTH P-11479.

DEFENDANT. (RESPONDENT).

______________________________________/

State of Michigan.

In the Michigan Supreme Court.

925 W. Ottawa St.

Lansing, Michigan 48915.

517-373-0120.

MR. STACEY R. SMITH

PLAINTIFF (PETITIONER).

PRO SE INFORMA PAUPERIS.

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____/

ENTERING THE PLAINTIFF, IN RE, THE APPELLANT IN CASE NO.: 336537 and 17-1022 HEREBY files a Motion to Transfer to Cure Want of Jurisdiction and a Motion to Suppress the Police Statement and the 62A Affidavit for Probable Cause for Felony Complaint from the Wyoming Police Department. With regard to the REQUEST FOR AN ORDER SUA SPONTE QUO WARRANTO; dated March 15, 2017 and the 17^TH Circuit Appeal and Counter-Complaint, with an Affirmation for Superintending Control, in conjunction with a Writ of Mandamus Extraodinare with Exhibitions and Exparte Request for Judicial Review pursuant to MCL 600.4401 (1). 28 § U.S.C. 1361. AFFIRMED BY:

U.S. DISTRICT JUDGE PAUL L. MALONEY P-25194.

UNDER SUBJECT-MATTER JURISDICTION.

Plaintiff has also filed a Brief of Reasonable Doubt with above court and has requested its consideration.

Whenever a civil action is filed in a court as defined in section 610 of this title or an appeal, including a **(petition for review of administrative action)**, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.

(Added Pub. L. 97–164, title III, § 301(a), Apr. 2, 1982, 96 Stat. 55.)

The Order SuaSponte being requested to the Michigan Supreme Court and to the 17^TH Judicial Circuit Court under a request for Superintending Control through (General Jurisdiction) through the Michigan Supreme Court or the (Criminal Jurisdiction) through the 17^th Judicial Circuit Court, with regard to the above letter submitted to the 17^TH Judicial Circuit Court. In reference to Subject-Matter Jurisdiction from the Honorable Paul L. Maloney P-25194 of the U.S. District Court of the Western District of Michigan, adopting U.S. District Magistrate Judge Ray Kent's Report and Recommendation, IN PART, pursuant to MCL 600.4401 (1) – Mandamus against a state official; Being, a one (retired judge George S. Buth P-11479) as of January 01, 2017, requesting consideration of a Motion to Modify Sentencing to the newly assign judge of the 17^TH Judicial Circuit Court: J. Joseph Rossi P-53941.

The plaintiff, IN RE Stacey R. Smith, has affirmed Superintending Control through the Federal opinion adopted, IN PART, A [FEDERAL ORDER OF MANDAMUS], of U.S. Magistrate Judge Ray Kent's Report and Recommendation by U.S. District Judge Paul L. Maloney with Subject-Matter Jurisdiction pursuant to the Fifth Amendment and of Article 17 of the Michigan Constitution, with regard to the Plaintiff's Brief for Writ of Mandamus Extraodinaire with Exhibition and, **(Exparte Request for Judicial Review)**. This is a Motion to Intervene in Challenge to the Constitutionality of Law; FED R. APP P44, 28 § U.S.C 2403, in regards to the deceptive methodology of Detective Phillip Swiercz of the Wyoming Police Department. To where he deliberately curtailed the plaintiff's personal freedom in an effort to mislead, coerce, and entrap the Plaintiff into an involuntary plea due to ineffective counsel and allowing prosecution to railroad the Plaintiff with (insufficient evidence) which is comprised of the plaintiff's own testimony, as the detective alleges that the plaintiff admitted to the allegations when he did not in direct reference to the police video interview. (EXHIBIT (D)). The police interview, WHEREAS, the detective in turn ***(lied)*** on the 62A Affidavit for Probable Cause for Felony Complaint stating that the plaintiff admitted

to the charges when he did not in minutes 19:45, 41:35, and 1:01:10 **three times** and **coercion** used in minutes 33:48, 37:57, and 1:04:40 of the police interview. With regards to the response from the 6TH Circuit Court of Appeals, by circuit court judges Guy, Rogers, and Donald, had indicated that Mandamus Relief is a drastic remedy, (to which the Appellant believe this is), that may only be invoked in *extraordinary situations*, (to which the Appellant believes this is). Where the petitioner can show a clear and indisputable right to relief – (With a Motion to Suppress the Police Statement and 62A Affidavit for Probable Cause for Felony Complaint – due to Detective Swiercz's deceptive methodology); and Defense Counsel's failure to subpoena the alleged (BLANK) DVD in question that Detective Swiercz had during the police interview and Defense Counsel failing to subpoena the DVD during a Probable Cause Conference **(TO WHICH DEFENSE COUNSEL FAILED TO HAVE A PROBABLE CAUSE CONFERENCE AND WAIVED IT)** and without Prosecution producing it during **(DEFENSE COUNSEL'S DISCOVERY MOTION)** and moving to suppress the Police Statement and the 62A Probable Cause for Felony Complaint, (WHICH HAD BEEN FALSIFIED BY DETECTIVE SWIERCZ), Prosecution would not have a basis to further detain the Appellant. And the Appellant's Defense Counsel failed to move to dismiss pursuant to MCR 6.108 (C) + (D) + (E) which would have resulted in the Appellant's ineffective counsel to move for a dismissal pursuant to MCR 6.110 (F) + (H). The 6TH Circuit also states that, "**Smith may raise his outlined challenges in direct collateral attacks on his (*state-court convictions*)**". "And, regardless, we can only compel Federal Officers, Employees, and Agencies to act". This would mean that the "BRIEF for WRIT of MANDAMUS EXTRAODINAIRE with EXHIBITIONS – EXPARTE REQUEST FOR JUDICIAL REVIEW is to be requested to the Michigan Supreme Court under (General Jurisdiction), if not back the 17TH Judicial Circuit Court under (Criminal Jurisdiction), based on the ORDER from the 6TH Circuit Court, and the Michigan Court of Appeals, and the U.S. District Court, through their denial of the Appellant's request for a remedy while stipulating that the remedy that the Plaintiff, IN RE, seeks being available in only two remaining jurisdictions. This is also the same direction that (Retired) Judge George S. Buth's Corporate Counsel is stipulating as well by stating that the Plaintiff, IN RE, "continues to avail himself of said remedy in question".

In the, "Request for an Order SuaSponte", Subject-Matter Jurisdiction pursuant to Federal Judge Paul L. Maloney's opinion stipulates:

Definition – The power of a court, *Michigan Supreme Court or the 17TH Judicial Circuit Court*, to adjudicate a particular type of matter **(and provide the remedy demanded)**.

A court must have jurisdiction to enter a valid, enforceable judgment on a claim. In fact, litigants, through various procedural mechanisms, have the capacity ***to retroactively challenge the validity of a judgment where jurisdiction is lacking.*** U.S. District Court Subject-Matter Jurisdiction with regards to that, the Plaintiff, IN RE, has attempted to file – A Federal Question – to the appropriate agency. Also, it stipulates that a court may dismiss a case for lack of subject-matter jurisdiction. Federal Judge Paul Lewis Maloney did not dismiss said case No.: 1:16-cv-1381 for lack of subject-matter jurisdiction, but indicated that in the matter of Smith V. Buth, that the Plaintiff **(has stated a claim)** to which his court has subject-matter jurisdiction. Federal Judge Paul L. Maloney dismissed said case number because, "Federal Courts cannot supervise State Court Judges or Officials", while also stating that the Plaintiff, IN RE, has stated a claim to where his court has Subject-Matter Jurisdiction.

In the Plaintiff, IN RE's, 17TH Circuit Appeal and Counter-Complaint – the Plaintiff, IN RE, has established reasonable doubt with regards to the judicial process in case number 14-11012-FH and warranting Superintending Control of said case number pursuant to MCL 600.4401 (1). The Plaintiff, IN RE, has established self-incrimination violative of the Fifth Amendment as well as Article 17 of the Michigan Constitution of 1963. Detective Phillip Swiercz, Kevin Bramble, Joshua Kuiper, George S. Buth, and John R. Beason are directly responsible for curtailing the Plaintiff's person freedom in direct reference to the Fifth Amendment and Article 17 of the Michigan Constitution.

In regards to Superintending Control pursuant to 28 § U.S.C. 1361, MCL 600.4401 (1), and the formula of the Michigan Court Rules justifies the occurrence and warrant for Superintending Control.

FORMULA OF THE MICHIGAN COURT RULES:

FORMULA:

(PROSECUTION) (DEFENSE COUNSEL)

MCR 6.110 (C1) + (2a) + (2b) + (2c) + (2d) = MCR 6.201 (b2) + (b5) = MCR 6.201 (b2) + (b5)

The above formula should be equal to: MCR 6.201 (J) = VIOLATION.

With regards to the Brief on the Police Statement and regards to the 62A Affidavit for Probable Cause for Felony Complaint; the Plaintiff, IN RE, moves for relief from sentencing pursuant to MCR 6.502, MCR 6.508, MCR 6.509, MCR 6.506, MCR 6.419 (A), MCR 7.211 (7) & (9), and MCR 7.211 (C) (3) (a) for POST APPEAL RELIEF. The basis for this Brief is based on and supported by 28 § U.S.C. 1361 and MCL 600.4401 (1) and ask the court to consider and remit a Motion to Modify Sentencing to the Lead Prosecutor Christopher R. Becker for consideration and for consideration of the newly assigned Judge J. Joseph Rossi of the 17TH Judicial Circuit Court – both in and with the County of Kent here in Grand Rapids, Michigan. Regarding MCR 7.103 (B) (1) (a), the Plaintiff, IN RE, understood no relief being available in the 17TH Judicial Circuit Court, while no response from the 17TH Circuit Court still remains from the Honorable J. Joseph Rossi – The Plaintiff, IN RE, has filed an application for leave to the Michigan Supreme Court to pursue Superintending Control under (GENERAL JURISDICTION) in conjunction with SCAO FORM NO.'S mc263, mc 443, mc235 has also been requested by the Plaintiff, IN RE, to be considered and AFFIRMED.

Pursuant to 28 § U.S.C. 2254 (d) & (2) has established that case number 14-11012-FH had been adjudicated by an **unreasonable determination of facts** – Please refer to EXHIBITS (A), (C), (D), (E), and (F). 28 § U.S.C. 2254 (E) (2) (A) – Also stipulates that, the claim relies on – (ii) > a factual predicate that could not have been **previously discovered**, EXHIBIT (A) – the 62A Affidavit for Probable Cause for Felony Complaint discovered by the Plaintiff, IN RE, on 11/14/16 **(POST FACTO)** after reviewing the lower court case. The Plaintiff, IN RE, HAD NO KNOWLEDGE OF THIS FALSIFIED DOCUMENT, EXHIBIT (A) UNTIL 11/14/16.

WHEREAS, with this the Plaintiff, IN RE, AFFIRMS his request for relief and in turn moves for relief pursuant to:

MCR 7.211 (C) (3) – A motion to affirm Appellant's Brief.

MCR 7.211 (A) (3) (c) – Trial Court abused its discretion.

MCR 7.211 (C) (6) – A Motion for immediate consideration.

MCR 7.211 (C) (3) (a) – Motion to affirm Appellant's Brief because of abuse of discretion.

MCR 7.211 (C) (7) – A confession of error by the prosecutor be assumed.

MCR 7.211 (C) (9) – A motion to seal appellant case no: 336537 and lower court case no: 14-11012-FH in WHOLE.

And a move to exonerate the Appellant.

The Plaintiff, IN RE, has AFFIRMED Superintending Control with this request to AFFIRM above Court Rules.

Respectfully submitted,

MR. STACEY R. SMITH.

APPELLANT.

855 KALAMAZOO AVE SE

GRAND RAPIDS, MICHIGAN 49507.

616-350-5709.

PROOF OF SERVICE.

To the above mention and to the:
Honorable: George S. Buth P-11479.
And,
Appellee's Defense Counsel.
The County of Kent.
Corporate Counsel to the Defendant.
MCA Case No.: 336537.
In the Michigan Court of Appeals.
Thomas J. Dempsey P-48792.
Kent County Corporate Counsel.
300 Monroe Ave NW
Grand Rapids, Michigan 49503.
616-632-7573.
Let it be known to all parties and to the Hon.: J. Joseph Rossi P-53941 of:
KENT COUNTY COURTHOUSE.
The 17TH JUDICIAL CIRCUIT COURT.
180 OTTAWA AVE NW
SUITE NO.: 2500.
GRAND RAPIDS, MICHIGAN 49503.
616-632-5520.

THAT ON ____________2020, a copy of this filing was remitted to involved parties who have filed an appearance attesting under the penalty of perjury a true copy was mailed to the below address this above date.

Lead Prosecutor Chris Becker P-53752.
82 Ionia Ave NW
Grand Rapids, Michigan 49503

John R. Beason P-34095.
15 Ionia NW
Grand Rapids, Michigan 49503

Linda Howell P-44006.
Kent County Corporate Counsel.
On behalf of HON.: George S. Buth P-11479.
300 Monroe Ave NW
Grand Rapids, Michigan 49503.

PROOF OF SERVICE.

I certify under the penalty of perjury of the United States of America and State of Michigan, that I mailed a true copy of this document to the addresses above on this 8th **day of** January **2020 A.D. by US first class mail.**

______________________________.

SIGNATURE OF MR. STACEY R. SMITH ONLY.

Respectfully submitted:

/s/ Mr. Stacey R. Smith.

FINAL DRAFT.
DISREGARD ALL OTHER CORRESPONDENCE
WITHOUT THIS MARK.